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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,382	04/29/2005	Jan Babic	P70549US0	7062
136	7590	02/16/2007	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			LAWSON, MATTHEW P	
		ART UNIT	PAPER NUMBER	
		2809		
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/16/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/533,382	BABIC, JAN
	Examiner Matthew P. Lawson	Art Unit 2809

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 April 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>26 May 2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Application

1. **Claims 1 and 2** are pending in this application.
2. If applicant is aware of any prior art or any co-pending application not already on record, the applicant is reminded of his/her duty under 37 C.F.R. §1.56 to disclose the same.

Priority

3. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.
4. Certified copies of the foreign priority documents have been received in this national stage application from the International Bureau.

Information Disclosure Statement

5. The information disclosure statement (IDS) was on 26 May 2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

6. The abstract of the disclosure is objected for the following reasons:
 - a. Extensive mechanical and design details of apparatus should not be given.
 - b. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. **Claims 1 and 2** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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9. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. Note the format of the claims in the patent(s) cited. Detailed rejections appear below.

10. Regarding claim 1 and 2, the terms "preferably," "e.g.," "optional," "should," and "can be" in the claims render the claim indefinite because it is unclear whether the limitation(s) following the terms are part of the claimed invention.

11. The following limitations are thereby judged to be *not* part of the invention as claimed:

- a. the shield being cylindrical (Claim 1, line 2);
- b. a drive (Claim 1, line 3);
- c. a display (Claim 1, line 6);
- d. the light points on said display being liquid crystals or light-emitting diodes (Claim 1, lines 6-7);
- e. the wire being an optical line (Claim 1, line 10);
- f. a microprocessor controller (Claim 1, line 15);
- g. "the line length running from the eye of the spectator through the slot on the shield up to a point on the display" (Claim 1, lines 19-21);
- h. "hanging within the angle of 360° (Claim 1, line 24);
- i. a concave display (Claim 2, line 3);

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j. "correcting a digital variant of an image we want to show spectators"

(Claim 2, lines 5-6); and

k. a computer program (Claim 2, line 7)

12. Regarding claim 2, claim 2 also recites the limitation "as shown in claim 1" in line 7 of the claim. There is insufficient antecedent basis for this limitation in the claim. Specifically, it is unclear what in the claim is being referred to as being shown in claim 1.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 1 and 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurjavčič, US Pat. No. 6,460,278 B1.

15. Regarding claim 1, Jurjavčič discloses a device allowing simultaneous 360° visibility of images, said device being:

a. made of a cylindrical shield (1), which rotates around its axle (4) with a drive (5, 12), whereby

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b. the shield has a coating with a slot (2) running approximately parallel to the axle, and

c. the shield (1) has at least one display (3) on near the diametric surface (Jurjavčič, Figs. 1 and 2), whereby

d. the display is a display with electronically controlled light points (S1..Sn) (Jurjavčič, Fig 4; col. 3, lines 23-38).

18. Jurjavčič also states that an image on the display must be curved in order to give a straight picture from the device. Specifically, the curved correction as disclosed by Jurjavčič (See Figs. 1 and 3) is inherently adjusted by moving the location of the vertical and horizontal coordinates as a function of each length of a line of view.

19. Jurjavčič fails to expressly disclose a microprocessor adjusting the position the location of each image point (i.e. controlling the light points).

20. However, it would have been obvious to control the light points of Jurjavčič via a microprocessor, since the use of a microprocessor to control light points (e.g. a liquid crystal cell or an LED array) would have been well known in the art (of displays) at the time of the invention.

21. It would have also been obvious to one ordinarily skilled in the art at the time the invention was made to use a light sensor and an optical line for signal transmission in order to reliably rotationally couple the signal wire to the microprocessor.

22. Regarding claim 2, Jurjavčič further teaches a display wherein the display (3b) is a concave display showing a static image which is a transformed image of the image to

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be displayed. Said image as disclosed is inherently capable of being obtained by correcting a digital variant of a scanned or otherwise created digital image, since obtaining, correcting, and printing digital images would have been well known to one ordinarily skilled in the art at the time of the invention.

Cited Prior Art

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. For example:

- i. US Pat. No. 3,160,971 discloses a device allowing simultaneous 360° visibility of images comprising, *inter alia*, a rotating cylinder and a concave display showing a printed static image.
- ii. US Pat. No. 4,529,986 A discloses an exemplary optical rotational coupling comprising a light sensor, microprocessor, and signal wires.
- iii. US Pat. No. 5,970,173 discloses a method of correcting moving computer generated images via affine transformation.
- iv. US Pat. No. 6,148,552 A discloses an exemplary cylindrical rotating display.

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew P. Lawson whose telephone number is 571-272-9795. The examiner can normally be reached on Monday through Thursday from 8:00am to 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm E. Ullah, can be reached on 571-272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew P. Lawson,
Assistant Examiner

MPL



N. DREW RICHARDS
PRIMARY EXAMINER